

**STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK REGULATIONS
AMENDMENTS FOR IMPLEMENTATION OF SB 989**

December 22, 2000

MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS

DETAILED STATEMENT OF REASONS

The specific reason for each amended, added, or deleted regulation is summarized below.

Section 2611. Additional Definitions

The definition of “Dispenser” is revised because dispensers are inherently part of the underground piping system, as defined in Health and Safety Code 25281.5.

The term “Dispenser Spill Containment or Control System” is changed to “Under-Dispenser Spill Containment or Control System” in order to clarify that these systems apply only to containing or controlling leaks from piping located underneath dispensers.

Section 2636. Design, Construction, Installation, Testing, and Monitoring Requirements for Piping

Subsection 2636(f)(1) is amended to specifically include under-dispenser spill control or containment systems in order to clarify that these systems must be monitored in accordance with the monitoring requirements for piping.

Subsection 2636(h)(3) is revised to accommodate the amending of “Dispenser Spill Containment or Control System” to “Under-dispenser Spill Containment or Control System.” These revisions have no regulatory effect.

Sections 2636.1, 2636.2, and 2636.4

Sections 2636.1, 2636.2, and 2636.4 are revised to accommodate the amending of “Dispenser Spill Containment or Control System” to “Under-dispenser Spill Containment or Control System.” These revisions have no regulatory effect.

Section 2637. Secondary Containment Testing and Annual Maintenance Certification

Subsection 2637(a)(1) is amended to allow local agencies additional time to review enhanced leak detection proposals.

Subsection 2637(b) is amended to clarify that individuals employed by a licensed contractor for the purpose of performing annual monitoring maintenance certification, and related work, must

be trained and re-certified in accordance with 2637(b)(1)(B) and (C). The reasons for this change are as follows.

In accordance with the California State Contractors Licensing Board statutes, the term “Persons” includes either a contractor that provides the work, or an individual that actually performs the work. As such, under current language, individuals employed by a contractor holding one of the required licenses for the purpose of conducting annual monitoring maintenance certification, and related work, do not need to possess a personal contractor’s license.

The SWRCB believes that, under current language, this might also be interpreted by some people to mean that individuals actually performing the work, that are employed by an appropriately licensed contractor, do not need to be trained and re-certified if the contractor is trained and re-certified. This was not the SWRCB’s intent in developing this language, nor does it conform with the SWRCB’s interpretation of the supporting statute (25284.1(5)(D)(i)).

Section 2640. General Applicability of Article

Subsection 2640(e)(2) is revised to re-instate a time limit for the SWRCB to review enhanced leak detection notification appeals, with the time limit extended to 90 days from 30 days. This provision was reinstated in response to comments from local agencies requesting a time limit so that enhanced leak detection is not delayed indefinitely during the appeals process.

Section 2660. General Applicability of Article

Subsections 2660(g) and 2660(h) are changed because the proposed requirements relate to under-dispenser piping and not to dispensers.

Section 2666. Requirements for Upgrading Underground Piping

Subsection 2666(e) is revised to accommodate the amending of “Dispenser Spill Containment or Control System” to “Under-dispenser Spill Containment or Control System.” These revisions have no regulatory effect.